

**MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS
OF THE OFFICE OF THE STATE APPELLATE DEFENDER**

September 13, 2013

**Office of the State Appellate Defender
Conference Room
203 North LaSalle, 24th Floor Chicago, IL**

The following matters were covered at the September 13, 2013, meeting of the Board of Commissioners of the Office of the State Appellate Defender.

Present - **Board Members:** Honorable Charles Hartman, Honorable Michael P. Toomin, Honorable A.C. Cunningham, Jr., Honorable Dennis E. Middendorff, Thomas F. Sullivan, Jr., Rebecca Janowitz, Kim D. Campbell, and Gary A. Dobbs. Absent: Thomas Breen.

Present - **Agency Staff:** Michael J. Pelletier, State Appellate Defender; David P. Bergschneider and Patricia Unsinn, Deputy State Appellate Defenders; Tonya Janecek, Chief Fiscal Officer and Human Resource Director; and Sue Ryan, Senior Administrative Assistant.

The meeting was called to order by Vice-Chairman Judge Charles Hartman. A motion to approve the minutes of the February 22, 2013, Board meeting was made by Thomas Sullivan and seconded by Justice Michael Toomin. The minutes were approved unanimously.

Judge Charles Hartman welcomed new commissioners Kim D. Campbell, McLean County Public Defender, and Gary A. Dobbs, Grundy County Assistant Public Defender, to the Board of Commissioners.

On behalf of the Board and the employees of the Office of the State Appellate Defender, Judge Hartman thanked former commissioners Judge Scott D. Drazewski and David Reid Clark for their service on the Board. As neither commissioner was able to attend today's meeting, their meritorious service awards will be sent to them.

New Business

A. Report for Fiscal Year 2013

Michael J. Pelletier reported on the activities of the Agency for Fiscal Year 2013.

The State Appellate Defender Act became effective on October 1, 1972, and the agency marked its 40th anniversary this Fiscal Year. Because of budget constraints, no big event was held, but each office individually observed the 40th anniversary.

Staff changes in FY-2013:

Fifth District Deputy Defender Jo Beth Weber was elected Jefferson County Circuit Judge in November 2012, and Ellen Jenkins Curry, who had clerked for the Fifth District Appellate Court for 17 years, worked in private practice and was a former public defender, was appointed her successor.

A new agency position was created - Director of Training. Laura A. Weiler, an Assistant Appellate Defender in the First District office for 11 years, was promoted to this post. Ms. Weiler will provide training to new hires, provide in-house seminars, and make resources available to Public Defenders throughout the state.

Every two years, the agency is audited by the Office of the Auditor General. Mr. Pelletier was pleased to announce there were no findings, which is a tribute to the outstanding work of Human Resource Director/Chief Fiscal Officer Tonya Janecek and her staff.

Working with the Illinois Public Defender Association on their semiannual seminars, 171 attorneys from 48 counties attended the 2012 Fall Seminar and 168 attorneys from 44 counties attended the 2013 Spring Seminar.

In its 29th year, the annual week-long Illinois Public Defender Voir Dire Workshop and Intensive Trial Advocacy Program was held at Kent Law School. Using funds from the training budget, the agency paid the registration fee for all 35 attendees. Additionally, the agency covered all of the expenses for 18 of the downstate attendees whose counties might not otherwise have been financially able to send them.

Changes were made to the agency internet this Fiscal Year. A new web site was created, which is more user friendly, including a complete revision of the Expungement section with forms and questionnaires that make it much easier to follow. Additionally, a new Public Defender Resource Center will be added which will enable public defenders to share files, documents and resources.

Regarding the Agency caseload, there were 3,245 new appointments - 73 more than in Fiscal Year 2012. The Agency disposed of 2,916 cases which is about 93 fewer cases than the previous year which Mr. Pelletier attributes to vacancies and a large number of maternity and paternity leaves of absence.

B. Operating Budget for Fiscal Year 2014

Mr. Pelletier reported that the operating budget for Fiscal Year 2014 is \$20,349,600 which represents a 1.27% decrease in the budget from the previous year .

For the 6th year, there is no funding for the Juvenile Defender Resource Center or for the paid student program. We were, however, able to increase the starting salary for attorneys from \$50,000 to \$52,000 and increase the pay plan for all titles, including a request from Mr. Pelletier for a 2% pay increase. This operating budget would allow for the filling of all vacancies by January 1, 2014.

While discussing budget issues, Judge Dennis Middendorff inquired as to the issue of representation in the appeals of termination of parental rights and abuse and neglect cases. Currently, the Office of the State Appellate Defender is not statutorily authorized to handle these cases.

Deputy State Appellate Defender David Bergschneider expressed concern that if our act was changed to expand our representation to those civil cases, there would be a danger the agency would not receive the necessary increase in our appropriation to handle these cases. Discussion ensued and it was decided that we would look into how representation could be provided in the appeal of these cases and thereby remove the burden from the counties to do so.

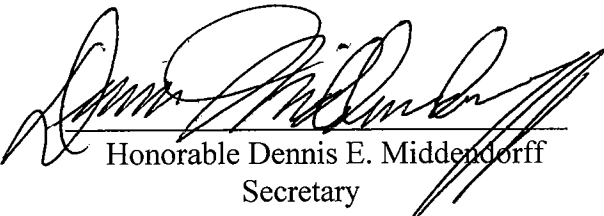
A motion to approve the Operating Budget for Fiscal Year 2014 was made by Judge Dennis Middendorff and seconded by Justice Michael Toomin. The motion was unanimously approved.

Other Business

The date for the next meeting of the Board of Commissioners was set for Friday, February 21, 2014, to be held in the First District office in Chicago at 9:30 a.m.

Adjournment

There being no further business, a motion to adjourn the meeting was made by Judge Dennis Middendorff and seconded by Justice Michael Toomin. The motion was approved unanimously.


Honorable Dennis E. Middendorff
Secretary